

Poor Law Superannuation (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

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Provide for Superannuation Allowances to certain Local Officers and Servants in Ireland, for Contributions towards such Allowances by such Officers and Servants ; and to make other relative provisions. A.D. 1904.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. This Act may be cited as the Poor Law Officers' Superannuation (Ireland) Act, 1904, and shall come into operation on the *first day of October one thousand nine hundred and four*. Short title and commencement of Act.
- 10 2. Subject to the provisions of this Act, every officer and servant of the guardians of a union who shall become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body, or of old age, or who shall have attained the age of sixty years and completed an aggregate service of forty years, or who shall have attained the full age of sixty-five years, shall, without prejudice to any existing rights
- 15 which he may have under section one hundred and eighteen of the Local Government (Ireland) Act, 1898, be entitled on resigning his office or employment, to receive during life out of the superannuation fund a superannuation allowance according to the scale laid down in this Act.
- 20 An officer or servant shall not be entitled to an allowance on the ground of old age unless he has completed the full age of sixty years.

Where an officer or servant has attained the age of sixty-five years, in his office or employment, it shall be competent for the guardians to require him to retire upon payment to him of the

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A.D. 1904. superannuation allowance to which he may be entitled under this Act.

Scale of
superannua-
tion allow-
ances.

3. The scale for superannuation allowances under this Act shall be as follows (that is to say) :

An officer or servant who has served for ten years, but less than eleven, shall be entitled to an annual allowance of *ten-sixtieths* of the average amount of his salary or wages and emoluments during the five years ending the last day of the local financial year which immediately precedes the day on which he ceases to hold his office or employment, with an addition of *one-sixtieth* of such average amount for every additional completed year of service until the completion of a period of service of forty years, when a maximum allowance of *forty-sixtieths* shall be granted.

Reckoning
service.

4. All service by an officer or servant under any authority or authorities to whom this Act applies shall be aggregated and reckoned for the purposes of this Act, whether the service has been continuous or not, and whether his whole time has been devoted to the service or not.

Power to add
a number of
years in
certain cases.

5. The guardians, in computing the amount of superannuation allowance to any officer or servant may, in consideration of peculiar professional qualifications, or of special circumstances, and with the consent of the Local Government Board, add a number of years not exceeding ten to the number of years which the officer or servant has actually served in the aggregate.

Case of
subsequent
appointment.

6. Where a person in receipt of a superannuation allowance under this Act is appointed to any office or employment by any authority to whom this Act applies, such allowance shall cease to be paid so long as he continues to hold such office or employment, if the salary or wages and emoluments thereof are equal to, or in excess of, the amount of such allowance, if they are not, then only so much of such allowance shall be paid so long as he holds such office or employment as will make up the deficiency.

Any such person so ceasing to hold such office or employment shall be entitled to revert to and to receive the full amount of his original superannuation allowance from the superannuation fund.

Return of
contribu-
tions, and
power to

7. An officer or servant who has not become entitled to a superannuation allowance, and who loses his office or employment for any other cause whatever than his own misconduct or voluntary

resignation, shall be entitled to receive, out of the superannuation fund, a sum equal to the amount of all his contributions to such fund under this Act; but if he claims under this section, and subsequently obtains a fresh office or employment, he shall not
 5 be entitled to reckon his service before obtaining such fresh office or employment towards a superannuation allowance under this Act, unless upon obtaining such fresh office or employment he pays the amount so received to the superannuation fund.

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 grant gratuity and superannuation in certain cases.

In any such case of loss of office or employment as aforesaid,
 10 the guardians may also, if they see fit, with the sanction of the Local Government Board, grant to the officer or servant a gratuity, payable out of the common fund of the union, not exceeding twice the amount of his salary or wages and emoluments during the last local financial year which immediately precedes the day on
 15 which he ceases to hold his office or employment.

Provided that when such loss of office or employment occurs in a case in which the death, resignation, or insanity of one of the holders of a joint appointment vacates the office of the other, the officer or servant whose office or employment is so vacated, shall,
 20 unless he is re-appointed by the guardians, and except where, in the case of husband and wife, the joint appointment is terminated owing to the misconduct of one of them, be entitled to receive during life, out of the superannuation fund a superannuation allowance, according to the scale laid down in this Act, if such
 25 officer or servant has attained the age of fifty years, or has served for not less than twenty years.

8. At least one month's notice in writing shall be given to every guardian of the time at which a proposal to do any act or take any step under this Act will be considered, and such notice
 30 shall contain also express notice of any such act or step.

Notice of proposed proceedings under Act.

9. Every superannuation allowance granted under this Act shall be payable to or in trust for the officer or servant, and shall not be assignable or chargeable with his debts or other liabilities.

Allowance not assignable.

10. Subject to the provisions of this Act, every officer and servant in the service or employment of the guardians of a union shall contribute annually for the purposes of this Act a percentage amount of his salary or wages and emoluments, according to the scale laid down by this Act, such amount to be from time to time deducted from the salary or wages payable to him, and to be
 40 carried to and to form part of the superannuation fund.

Obligations of officers and servants to contribute.

A.D. 1904.

Scale of
contribu-
tions.

11. The percentage amounts to be deducted annually for the purposes of this Act shall be as follows (that is to say) :

In the case of existing officers and servants with less than five years' service, *two per cent.* of the salary or wages and emoluments for each year: 5

In the case of existing officers or servants with more than five and less than fifteen years' service, *two and a half per cent.* of the salary or wages and emoluments for each year :

In the case of existing officers and servants with more than fifteen years' service, *three per cent.* of the salary or wages and emoluments for each year : 10

In the case of officers and servants, not "existing officers," appointed after the passing of this Act *three per cent.* of the salary or wages and emoluments for each year.

Savings for
existing
officers and
servants.

12. The Union Officers' Superannuation (Ireland) Act, 1865, 15 shall no longer apply to any officer or servant to whom this Act applies, but any such officer or servant may, notwithstanding anything in this Act contained, at any time within three months after the *passing of this Act*, signify in writing to such authority his intention not to avail himself of the provisions of this Act, and 20 in that event it shall not be obligatory upon him, notwithstanding anything in this Act contained, to make any contributions or submit to any deductions from his salary or wages under this Act, nor shall he be entitled to receive any superannuation allowance, gratuity, return of contributions, or other benefit under this Act. 25

Any such officer or servant who has given such notice as aforesaid shall remain, subject to the provisions of the said Act of 1865, as if this Act had not been passed.

Fees to be
brought into
common
fund.

13. Any officer or servant to whom this Act applies, and who is remunerated wholly or partly by fees, shall pay annually the due 30 percentage amount out of his fees to the superannuation fund, at the time or times prescribed by the Local Government Board, and such amount shall be carried to and form part of the superannuation fund.

Every such officer or servant shall make annually at the 35 prescribed time to the authority in whose service or employment he is, and to the Local Government Board, a return of the amount of fees received by him as such officer or servant during the local financial year immediately preceding, and the amount so returned shall be taken as the basis upon which the percentage deduction in 40 such cases shall be made and the superannuation allowance shall be

calculated: Provided that such annual return shall be verified by a statutory declaration under the Statutory Declarations Act, 1835, that such return is true and correct in every particular.

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14. Every superannuation allowance and gratuity payable under this Act shall be advanced from time to time to the officer entitled thereto by the guardians of the union in which such officer was serving at the time of his becoming entitled to such allowance or gratuity, and the amount of every such advance shall be repaid by the Local Government Board to the guardians out of the superannuation fund.

Allowances and gratuities to be advanced by local authorities.

15.—(1) For the purposes of this Act there shall be established a superannuation fund, which shall consist of, and to which shall be paid in every local financial year, at the prescribed times and in the prescribed manner—

Establishment of superannuation fund.

(a) The contribution and percentage amounts of fees to be paid by officers under this Act; and

(b) The amounts received from time to time from the county council for the purposes of this Act.

(2) The guardians of each union shall include in their annual demand on the county council, for the purposes of this Act, a sum equal to what would be produced by a rate of *one farthing in the pound* of the then existing valuation of the property liable to poor rate within their union, and the said sum shall be levied by the county council as part of the poor rate, and shall be paid by the county council to the credit of the superannuation fund at the times and in the manner prescribed by the Local Government Board.

(3) The superannuation fund shall be held in trust by the Local Government Board for the local authorities to which this Act applies, and accounts of the payments into and out of the same shall be annually sent to each such local authority.

(4) For the purposes of accumulating a fund, no payment shall be made out of the superannuation fund until after the term of two years has expired from the coming into operation of the Act, that is to say, the contributions from the officers, and the amounts to be paid by the county councils shall be paying for two years to the fund before any officer shall get a pension from the fund. Provided that in the interests of the efficiency of the Service it shall be competent for the guardians, should they so desire, to pay any officer affected by this Act a pension according to the scale

A.D. 1904. — laid down in this Act, during the interval of two years or part thereof, out of the common fund of the union, after which interval the pension shall be paid out of the superannuation fund.

Definitions.

16. In this Act, unless the context otherwise requires,—

- "Guardians" means the boards of guardians charged with the administration of the Irish Poor Relief Acts ; 5
- "Union" means the area in which the guardians, as above defined, administer the said Poor Relief Acts ;
- "Local financial year" has the same meaning as in the Local Government (Ireland) Act, 1898 ; 10
- "Demand" has the same meaning as in the Local Government (Ireland) Act, 1898 ;
- "Rural district council" has the same meaning as in the Local Government (Ireland) Act, 1898 ;
- "Superannuation fund" means the superannuation fund established by this Act ; 15
- "Poor rate" has the same meaning as in the Local Government (Ireland) Act, 1898 ;
- "The Local Government Board" means the Local Government Board for Ireland ; 20
- "Prescribed" means prescribed by the Local Government Board ;
- "Common fund of the union" means the funds or moneys out of which the salaries and other emoluments of the officers of the guardians are defrayed ; 25
- "Existing officer" has the same meaning as in the Local Government (Ireland) Act, 1898 ;
- "Officer" means and includes every officer in the service of an authority to whom this Act applies, whether his whole time is devoted to the duties of his office or not ; 30
- "Servant" means and includes every servant regularly employed at wages by any authority to whom this Act applies ;
- "Emoluments" includes all fees, poundage, and other payments made to any officer or servant as such for his own use, and the money value of any apartments, rations, or other allowances in kind appertaining to his office or employment ; 35

"Joint" appointment includes any office the tenure whereof is determined by the death, removal, resignation, or incapacity of the holder of another office under the same authority. A.D. 1904.

5 17. The provisions of this Act shall apply, with the necessary modifications, to rural district councils, and to their officers and servants, in like manner as nearly as may be as they apply to guardians and to the officers and servants of guardians; and the contributions of the officers and servants of such councils shall
10 be carried to and form part of the superannuation fund in like manner as in the case of the contributions of the officers and servants of guardians, and the superannuation allowances and gratuities under this Act shall be paid out of the said fund in like
15 manner as in the case of the superannuation allowances and gratuities payable to the officers and servants of the guardians.

18. Nothing in this Act contained shall affect the payment of any superannuation allowance granted before the *passing of this Act*, or any other right or liability acquired or accrued, or anything
20 duly done or suffered before the *passing of this Act*; and any authority to whom this Act applies may, if they see fit, grant and pay a superannuation allowance under the Local Officers' Superannuation (Ireland) Act, 1869, to any officer who shall have retired before the passing of this Act, in the same manner and subject to the same conditions as if this Act had not been passed.

25 19. This Act extends to Ireland only.

Extent of Act.